

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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RUSSELL WRIGHT,

Plaintiff,

v.

Case No. 09-CV-1040

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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**ORDER**

On November 4, 2009, plaintiff Russell Wright ("Wright") filed a complaint seeking judicial review of a decision by the Commissioner of the Social Security Administration denying his application for Supplemental Security Income disability benefits. In connection with his complaint, Wright also filed a motion for leave to proceed *in forma pauperis* (IFP). The court finds that Wright does not fulfill the requirements to proceed IFP and will deny his motion.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek

money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se* plaintiff's allegations, "however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

The court finds that Wright fails to establish his inability to pay the costs of commencing this action. Wright submits an affidavit in which he declares under penalty of perjury that he is currently unemployed and has one dependent child. However, he also asserts a monthly income of \$2,774.00. This means that Wright has an annual income of more than \$30,000.

Wright asserts monthly expenses in the amount of \$2,108.00, which includes a monthly child support payment. Even after deducting these expenses, Wright retains \$666.00 of disposable income each month. Therefore, Wright is capable of paying the \$350.00 filing fee and does not need his legal action subsidized by the taxpayers.

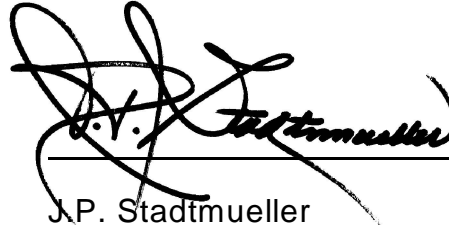
After evaluation of Wright's income and expenses, the court concludes that he is ineligible to proceed IFP. Therefore, the court will deny Wright's motion and order him to pay the required filing fee.

Accordingly,

**IT IS ORDERED** that the plaintiff's motion for leave to proceed in forma pauperis (Docket #2) be and the same is hereby **DENIED**. Plaintiff is ordered to pay the \$350.00 filing fee for this action.

Dated at Milwaukee, Wisconsin, this 12th day of November, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge